

**Planning Board
August 16, 2018**

The meeting was called to order at 7:14 PM.

1. Roll Call

In attendance for the Planning Board: James Brugger, Leah McGavern, Bonnie Sontag, Ann Gardner, Andrew Shapiro, and Mary Jo Verde

In attendance for the Planning & Development Subcommittee and Committee of the Whole: Barry, Greg Earls, Heather Shand, Charlie Tontar, and Sharif Zeid

In attendance for New England Development (NED): John Twohig, NED: Tim Sullivan, Goulston & Storrs; and Ricardo Dumont, DumontJanks; Mike Duffy, Project Manager NED; and a girl from Goulston & Storrs

Also in attendance: Andrew Port, Director of Planning and Development

2. Joint Public Meeting with the Planning Board Subcommittee and the Planning & Development Subcommittee and Committee of the Whole

*a) New England Development (NED)
Presentation of Development Plans for
Waterfront West Overlay District (WWOD) area*

Chair McGavern opened the meeting and announced that the next meeting would be on September 6, 2018. All materials would be posted on the City website by tomorrow. Tonight's discussion would be about design. Attorney John Twohig, NED, 75 Park Plaza, Boston, recapped progress to date, including updating the full traffic report, undertaking a second traffic report at the state's request to address the garage, and providing stormwater, fiscal impact analysis, utility reports, and other technical reviews. The key plan modifications were the reduction in buildings from eight to five, minimized phasing components, new continuous site lines down the waterfront, reduced and varied building heights, activated streetscapes with buildings lining two main circulation routes while maintaining ways to the water, a Merrimac Street courtyard, and an activated waterfront with 10,000 square feet of commercial uses that were focused on the pedestrian experience and marina operations that had been reviewed by the harbormaster. Onsite self-parking for 200-230 residential units, 100 hotel rooms, and the marina numbered 392 spaces. Retail parking was shared. Overall, the square footage was reduced by 20,000 square feet.

Ricardo Dumont, DumontJanks, 129 Kingston Street, Boston, demonstrated on a plan of the 5.5-acre site multiple outlines indicating where regulations allowed building, the water dependent uses zone, designated VE elevations of 12, 13, and 14, and the 100-foot mean high water setback. Nothing could be built at grade and there were no first floor occupied units. Living areas were required to be at elevation 13 or greater. NED's concept met six goals in the City's 2003 Waterfront Strategic Plan: continuous access along the water, active round floor uses fronting major streets, a healthy mix of uses serving the downtown, a framework of public walks and squares, with a major public plaza facing the water, and maintaining marina uses. He

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demonstrated on a plan the framework of streets. The area was not a highly commercial zone, other than marina uses. NED did not want to compete with downtown. He showed an image of 2017's discarded plan based on feedback from the City. Major components of the new plan were a concentration on three and four stories, levels, boardwalk extensions, new commercial space, 138 marina slips, three new raised sitting terraces with steps up to the buildings, a major cobbled public plaza, two smaller parks on pier ends, one with amphitheater seating, a new three- and four-story hotel sited on one pier that had a rear building connected to a front building by a 40-foot wide overhead bridge with bridge. The bridge cleared about 16 feet and was a portal into the site and into the Waterfront Park on the other side. Two three- and four-story residential buildings were on two pier ends, one four- and five-story residential building was on the backside of the plaza, and one five-story building was on Merrimac street. The units would include small studios up to several bedrooms. The first floor of all buildings had enclosed parking. Horton's Yard was also five stories. The old mill building was four stories. The only parking not provided on site was for the commercial uses because there were a few outside lots, plus some street parking on Tournament Wharf Way and on Merrimac Street. More than 50% of the development's footprint was dedicated to interior parking. There were four major gates for access to the docks. Roads would be cobbled in different sizes to indicate pedestrian or vehicular traffic. A small hoist would be for small boats. He showed images unrelated to the site of locations depicting how the site's character would be portrayed that included brick and wood frame buildings, shutters for privacy, and walls of vines to soften the environment. He demonstrated on a view from the river, at eye-level from the Route 1 bridge to the waterfront, the site line included steeples and the tree line. The changes were an effort to meet everything the City put forth last year and what was asked for in the 2003 plan. Next steps would include continuing to work with subcommittee. A September 6 presentation would cover the fiscal plan, utilities, and a design follow up.

Public comment open.

Hazem Mahmoud, 52 A Ferry Rd, asked for the square footage of the current plan. Attorney Twohig said the footprint was about 20,000 square feet less than the previous plan. Some of the buildings connected and angled very purposefully, based on Jeff Speck's feedback.

Tom Salemi, 16 Tyng street, asked if the hotel had function space? Attorney Twohig said yes, there would be 2,500-3,000 square feet of function space. Were any buildings available to the public for seeing the views or was there an educational center or other public space for maritime history? Attorney Twohig said a half-acre of outdoor space would have the required active programming. Several million dollars would be spent to create the boardwalk. Mr. Dumont said there could be historical markers along the boardwalk if requested by the City.

Lisa Mead, attorney, on behalf of Horton's Yard, was disappointed the presentation was not available in advance and noted that was not typically the way the City operated. It was challenging to give detailed feedback on the spot. The broadside buildings blocked the view from Merrimac Street. Current parking requirements for residential units would require 341 spaces. The bridge area of the hotel seems was access to the hotel and not pedestrian space. The open space was not inviting, particularly the areas shared by cars. Active programming would conflict with marine traffic driving through. You have to be standing at Michael's Harborside to

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be able to see down to the old Black Cow. What were the building heights and widths? How many affordable units? How many square feet for residential and commercial uses combined?

Mr. Dumont said the highest building would 55 feet and 45 feet wide. Attorney Twohig said 12% of the units would be affordable housing. The actual parking demand differed from the zoning ordinance written a long time ago. NED was confident in and comfortable with the parking allocation. Attorney Mead said numbers did not look right for a development of this size in downtown where parking was already a problem.

A resident named Judy was disappointed that it was as dense as the last proposal and buildings were still high. How many residents were in the last plan? Mr. Dumont said the same amount.

Art Currier, 100 State Street, said his biggest concern was changing the downtown character. Experiencing how character felt was the most important consideration. The massing problem was about how it would feel. How many parking spaces were in each building? Mr. Dumont said the hotel allocated half a car per room and had 43 spaces inside and another eight outside. One building had 140 spaces, most under the building and 35 outside the building. Another building had 125 spaces and another had 140 spaces, all under the buildings with some on the street.

Betsey Nietsch, 247 Water Street, asked what was between the white line and the sea wall in the water dependent usage zone? Mr. Dumont said the boardwalk and the small boatlift were located there. What were the water dependent uses? Mr. Dumont said the area was a little less than one third of an acre and had marina offices. Where would the current boat docks be placed? Mr. Dumont said downriver. Why should we change our zoning on height when the elevation change was substantial and provided for a graduated look? Attorney Twohig said there was a 14-foot drop off. The variety in height was provided to meet the feedback received.

Linda Lambert, 58 Merrimac Street, Horton's Yard, asked what percentage of buildings were three, four and five stories? Mr. Dumont said 20% were three stories, 60-65% were four stories, and 20-23% were five stories. Ms. Lambert said NED seems not to have heard in previous discussions that residents did not want five-story buildings.

Kate Yeomans, Merroshawke Nature School, 56R Merrimac Street, said she had asked for a conversation with NED. Her students went down to the river to see the boats going out to sea and people making their lives at sea. What could children do beside eat in this location now? She had been told there was no place for her students there anymore. Attorney Twohig said she should see Mike Duffy after the meeting. The old Black Cow area would not change. NED was open to talking about her waterside needs. The experience of launching from the public space would be a better experience than it was today.

Regina McDonald, 238 Water Street, asked what phase the hotel was in? River's Edge had 60 units. The NED development was four times that size. What risk was that kind of density for River's Edge residents? Attorney Twohig said the tax analysis submitted was fiscally positive and would not be a burden on schools. NED reduced the seven or eight phases to bring the hotel forward sooner. Some income from the residential units was needed in order to build the hotel. Spending millions of dollars on the infrastructure and public spaces were the first priorities. How

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many residential units would be built before the hotel? Attorney Twohig said that was still unknown. NED built a lot of hotels. This was a challenging site for a hotel. There were good reasons Newburyport did not have a hotel.

A resident named Ann said NED often referred to a design that was driven by the demands from the City. Was there a document showing that? Attorney Twohig said yes, NED received it in the spring. Chair McGavern said three members of the Planning Board met and worked out their requirements for design. Director Port said the criteria came from a 2003 plan stating priorities and issues to be addressed in any development in this area. The resident asked if the 2003 plan priorities were published? Director Port said yes. The resident said in the previous discussions there was agreement that three and four stories were adequate for height.

Andy Simpson, 1½ Greenleaf Street, asked how public space was defined? Mr. Dumont said public space included the boardwalk and the 1.25-acre open plaza. Public space did not include the ways. Did public space included wetlands? Mr. Dumont said it included the 10-foot border along the wetlands. Was there anything NED had built that was comparable to this? Attorney Twohig said this was a unique community, but NED built the project where Pier 4 used to be in Boston. It had public waterfront space, a boardwalk, a plaza, and a park. What about a project with residential space on a similar sized lot? Attorney Twohig said NED built a project in Westwood on three to four acres with 350 residential units.

Jeanette Isabella, 1 Lime Street, said it was disingenuous to include Michael's Harborside in the three-story space. What was the setback for the large building on Merrimac Street? Mr. Dumont said 10-12 feet, which was typical for the street, plus the courtyard. Was the new building by the bridge the current kayak shop? Mr. Dumont said yes. A building that was formerly #8 blocked the view to the water from the way. She wanted to see the river.

Mr. Currier said there was so much data and information spoken about that had not been available. Could the data be put in tables and graphs for residents to see? Could residents send in questions with the understanding that they would be answered at the next public meeting? Chair McGavern said yes. Questions should be sent to Director Port.

Jane Saulnier, 34 Warren Street, was concerned about keeping the character along Merrimac Street. How would the Merrimac Street building relate to Horton's Yard in terms of height, scale, and massing? Minimizing the mass was important for maintaining the character.

Peter Fitzsimmons, 7 Arlington Street, asked if new boardwalk sections would have the same construction as the current boardwalk? Mr. Dumont said the boardwalk would be the same construction and be maintained by NED. Did 12½ % affordable housing meet requirements? Mr. Attorney Twohig said NED worked with the Affordable Housing Trust. Until further discussions occurred, they proposed 12½ %.

Councilor Zeid said the City fell short of the affordable housing requirement of 10% of citywide housing stock. Requiring 12% for projects of this scale would help achieve the goal. The requirement could be met on or off site.

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Pam Older, 42 Merrimac Street, said the three ways to the river were like alleys. They were heavily used and dangerous for pedestrians. How would traffic be regulated? Mr. Dumont said existing utilities were located on the ways. Streets were sized based on the historic streets of Newburyport. NED would add curbs to the historic ways. Browns Wharf was the narrowest of the three. How could putting a hotel at the end of Browns Wharf be considered proper access? Mr. Dumont said the traffic analysis would be presented next time. Had NED considered putting a hotel on the other side of the property? Director Port said the traffic study was peer reviewed by the City's consultant. Changes were recommended. NED was working cooperatively with the City to review the impacts of Waterfront West and the parking garage. Queuing at the bridge was involved in all the issues. He did not see Browns Wharf as a primary access.

Mr. Mahmoud, asked what the footprint of the buildings were? The architectural design consultant said the finish of the building should look like the rest of the City. How could cars park under buildings that would flood? Mr. Dumont said there was no parking in the pier buildings. The non-living areas were commercial spaces. NED used current regulatory standards.

Constance Burzynski, 16 Collins Street, was concerned about safety issues and aesthetics with the boatlift in the tight space. Mike Duffy, NED, said plans were reviewed by the harbormaster. Boat hauling and storing would happen up river. The lift was for emergencies and smaller boats. The majority of operations happened downriver. Boats and trailers would not be introduced at unorthodox times. Why was there an issue with NED's five-story buildings when Horton's Yard had five stories? Chair McGavern said the zoning limited heights to 40 feet. Horton's was 63 feet. The Planning Board was charged to work within the zoning, but was open to something over 40 feet or they would not have proposed it. The board stressed three and four stories because that was what the majority of the City had. Council President Connell said eight or nine years ago the City passed a Waterfront West Overlay that respected the existing pattern of buildings that dominated the downtown area in terms of the percentage that were multistory structures, parking etc. so that what was built on the waterfront would replicate the feel of the rest of the City. That was the frame used for rezoning the area. Waterfront use and respect for the traditions of waterfront use remained important.

David Ross, 8 Salem Street, said he was concerned that development decisions had coherence and buildings would still be functional in 80 years. How long would this development last? Mr. Dumont said these were 100-year buildings. Mr. Ross said Newburyport had failed to develop this area in the last 40 years because it was an incredibly difficult site to develop. A developer had to adhere to state laws that did not exist 40 years ago. This was a great step forward compared to the initial proposal under the original zoning. He asked how many people walked to the meeting and most of the room raised their hands. Fewer people would drive here in the future. People should think about why they could not agree in order to get the area developed.

Lucia Green, 346 High Street, asked if the residential units would be offered for sale with a boat slip? Mr. Dumont said no. Ms. Green said there were no green grassy areas. Despite a reduction to five buildings the project look smaller. That was a problem. The architectural basis had nothing that reflected the beauty and variety of Newburyport. Last year, the buildings looked like factories. Now the plan looked like downtown White Plains, New York. Mr. Dumont said there

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would be pitched roofs and dormers. The shapes were accurate, but the materials would not be represented until the massing, height, and density were resolved.

Public comment closed.

Councilor Zeid asked what the use of the corner building would be? Mr. Dumont said the street level was commercial with three residential stories above. How many spaces were dedicated parking or open or were the spaces still mixed? Mr. Dumont said short-term use and drop off for boaters was mixed parking for 10 cars. There was one other parking area. Councilor Zeid asked if the common use entity would be a shared use with the City? Attorney Twohig said Chapter 91 required NED to form an entity and, usually, the municipality had a seat on the entity. Councilor Zeid asked why the boardwalk could not be built in front of Michael's Harborside? Attorney Twohig said compliance with Chapter 91 would result in tearing Michael's down. Councilor Zeid said density was a big issue for residents. If that problem were solved, 90% of the other issues would go away. Was there another way to reduce the number of units? He had heard the economics of the hotel were not great. Was density required to get the hotel? Attorney Twohig said no. The density was a basic decision for the private developer for the private land. The density fit right in with all other areas in Newburyport. Project economics related to square footage created, not units. Units were not a substitute for square footage. The proposal was less dense than before, as well as less dense than other areas in the City. Ways to the water and public spaces were important to the City. The residential units funded the public spaces. The project was better and more respectful of the ways than the 2003 plan. Councilor Zeid asked if the hotel was an economic factor? Attorney Twohig said no. The boutique hotel would provide a wonderful experience but have low occupancy after autumn. NED created a master plan so that the City would be able to see what it was getting. NED could only show that with a master plan. He was confident NED would make the project look, feel, and taste like Newburyport.

Councilor Tontar asked if there were renderings of angles from Merrimac Street? Attorney Twohig said that could be done.

Planning Board members commended NED on the improvements such as moving east-to-west within the site and the parking. What about accommodations for biking and getting people to the site efficiently without increasing traffic, such as a shuttle for residents and hotel users, electric vehicle charging stations, green roofs, and other sustainable approaches? How would NED treat the access coming down from the corner building? Mr. Dumont said adding street trees and sidewalks would be an improvement over today. Members asked how many people walked or biked to grocery shop? The community was car centered and parking was still a concern. Was other shared parking worth considering?

Chair McGavern was particularly interested in the upcoming details on architectural variety and LEED certified buildings. Some of the five-story buildings still seemed quite massive. They would need to be broken up in some way to provide a better pedestrian scale.

Council President Connell said NED had made a significant step in meeting the criticism heard at the last meeting. The audience had a diverse set of concerns. He encouraged residents to feed questions through the Planning Office if they could not attend in order to continue informing the

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thought process as the City worked towards a master agreement and zoning agreement, if that was to take place.

Director Port said he looked back at the 2003 Waterfront Strategic Plan. Based on the City's expectations for Waterfront West, the project described was generally what the City envisioned, even though many details needed to be worked out. There was a tendency to go around in circles in endless debate. It was important to proceed on something. The 2003 plan goals included extending the scale and character of the City to the water's edge. In terms of density, the project was downtown and should have downtown density. Today, the waterfront was somewhat disconnected from downtown. There were good things about a project like this.

4. Adjournment

The meeting adjourned at 9:30 PM.

Respectfully submitted -- Linda Guthrie